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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/061,441 04/16/98 WILZ

L 38292R1

EXAMINER

TM02/0829

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LEGREE, T

ART UNIT

PAPER NUMBER

2681

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DATE MAILED:

08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/061,441

Applicant(s)

WILZ, LEO JOHN

Examiner

Tracy M. Legree

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 18-20 is withdrawn in view of the newly discovered reference(s) to Durtler et al., U.S. Patent No. 5,438,683. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bath et al. (hereafter Bath), U.S. Patent No. 5,701,594 in view of Durtler et al. (hereafter Durtler), U.S. Patent No. 5,438,683.

Regarding **claim 18**, Bath discloses a communications transceiver, comprising:

an antenna (1) connected to a first amplifier (3); (Figure 1; col. 2, lines 5-11)

an intermediate frequency, IF, stage (6) connected to a second amplifier (26);

(Figure 1; col. 2, lines 14-16 and lines 45-46) and

switches (18, 19), reads on selector, disposed between the first amplifier (3) and the IF stage (6) and between the antenna (1) and the second amplifier (26) for selecting operation of the communications transceiver between the first and second amplifiers.

(Figure 1)

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Bath, however, fails to disclose a first antenna connected to a first amplifier and a second antenna such that the selector is connected between the first amplifier and the IF stage and between the second antenna and the second amplifier for selecting operation of the communications transceiver between the first and second antennas. However, it is known in the art to replace a single antenna used for both the transmit and receive paths with separate transmit and receive antennas, reads on first and second antennas, and Examiner takes Official Notice as such. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bath to include a first and a second antenna for the purpose of eliminating leakage caused by the duplexer and since the use of separate antennas for the transmit and receive paths versus the use of a single antenna for both the transmit and receive paths is a logical engineering preference.

Bath further fails to disclose communication transceiver wherein the first amplifier includes a feedback loop for altering the operation characteristics of the first amplifier. Durtler is evidence of cellular telephone transmitter comprising an amplifier (2) having a feedback circuit that produces a signal for controlling the output power of the amplifier. (Abstract; col. 2, line 59-col. 3, line 14; col. 6, lines 30-37; col. 7, lines 28-39) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bath with an amplifier having a feedback loop for altering operational characteristics of the amplifier, as described by Durtler, for the purpose improving the efficiency of the amplifier and improving the quality of the output signal.

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Regarding **claims 19 and 20**, the combination of Bath in view of Durtler discloses all the limitations of claim 18. Durtler further discloses the communication transceiver wherein the feedback loop includes a switch for selectively activating said feedback loop or wherein said feedback loop is a closed loop. (Abstract; Figures 1, 6 & 7; col. 2, line 59-col. 3, line 14; col. 6, lines 30-37; col. 7, lines 28-39)

Response to Arguments

4. Applicant's arguments with respect to claims 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

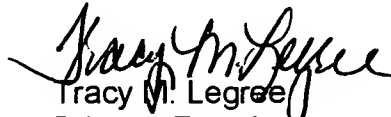
James et al.	U.S. Patent No. 6,201,442 B1	03/13/2001
Kerth et al.	U.S. Patent No. 6,148,048	11/14/2000
Gorcea et al.	U.S. Patent No. 6,137,359	10/24/2000
Grondahl et al.	U.S. Patent No. 5,873,029	02/16/1999

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy M. Legree whose telephone number is (703) 305-3859. The examiner can normally be reached on Mon-Thur and alternate Fri 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (703) 305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


Tracy M. Legree
Primary Examiner
Art Unit 2681

TML
August 25, 2001